

108TH CONGRESS
2D SESSION

H. R. _____

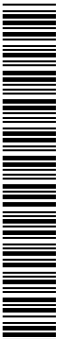
To promote the economic development and recreational use of National Forest System lands and other public lands in central Idaho, to designate certain lands in the Challis National Forest, the Sawtooth National Recreation Area, and the Challis District of the Bureau of Land Management as the Boulder-White Cloud Management Area to ensure the continued management of these lands for recreational use as well as for conservation and resource protection, to add certain National Forest System lands and Bureau of Land Management lands in central Idaho to the National Wilderness Preservation System, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

Mr. SIMPSON introduced the following bill; which was referred to the
Committee on _____

A BILL

To promote the economic development and recreational use of National Forest System lands and other public lands in central Idaho, to designate certain lands in the Challis National Forest, the Sawtooth National Recreation Area, and the Challis District of the Bureau of Land Management as the Boulder-White Cloud Management Area to ensure the continued management of these lands for recreational use as well as for conservation and resource protection, to add certain National Forest System lands and Bureau of Land Management lands in central Idaho to the National Wilderness Preservation System, and for other purposes.



1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE AND TABLE OF CONTENTS.**

4 (a) SHORT TITLE.—This Act may be cited as the
5 “Central Idaho Economic Development and Recreation
6 Act of 2004”.

7 (b) TABLE OF CONTENTS.—The table of contents for
8 this Act is as follows:

Sec. 1. Short title and table of contents.

**TITLE I—CENTRAL IDAHO ECONOMIC DEVELOPMENT AND
RECREATION PROMOTION**

Sec. 101. Land conveyance, certain Sawtooth National Recreation Area land to
Custer County, Idaho.

Sec. 102. Land conveyance, certain Challis National Forest land to Custer
County, Idaho.

Sec. 103. Land conveyance, certain Sawtooth National Forest and BLM land
to Blaine County, Idaho.

Sec. 104. Land conveyance, designated National Forest Systems land to city of
Stanley, Idaho.

Sec. 105. Land conveyance, designated BLM land to city of Clayton, Idaho.

Sec. 106. Land conveyance, designated BLM land to city of Mackay, Idaho.

Sec. 107. Land conveyance, designated BLM land to city of Challis, Idaho.

Sec. 108. Land conveyance authority, support for recreation and tourism devel-
opment, National Forest System land and public land in cen-
tral Idaho.

Sec. 109. Stanley-Red Fish Lake bike and snowmobile trail.

Sec. 110. Support for outfitter and guide activities.

Sec. 111. Red trees phase II study regarding forest health and public safety.

Sec. 112. Grants to support sustainable economic development and recreation.

Sec. 113. Continuation of public access to Bowery National Forest Guard Sta-
tion.

Sec. 114. Resumption of public access to Herd Lake Campground.

TITLE II—BOULDER-WHITE CLOUD MANAGEMENT AREA

Sec. 201. Establishment of management area.

Sec. 202. Land acquisition in management area.

Sec. 203. Motorized and mechanized travel.

Sec. 204. Support and use of Idaho Off Road Motor Vehicle Program.

TITLE III—CENTRAL IDAHO WILDERNESS AREAS

Sec. 301. Additions to National Wilderness Preservation System.

Sec. 302. General administration of wilderness areas.

Sec. 303. Incorporation of acquired lands and interests.



Sec. 304. Adjacent management.
Sec. 305. Wildfire management.
Sec. 306. Water rights.
Sec. 307. Wildlife management.
Sec. 308. Native American cultural and religious uses.
Sec. 309. Military overflights.
Sec. 310. Wilderness review.

TITLE IV—WAIVER OF GRAZING PERMITS

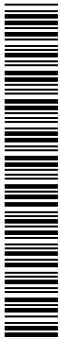
Sec. 401. Findings and purpose.
Sec. 402. Voluntary grazing permit waiver program.
Sec. 403. Compensation.
Sec. 404. Rules of construction.

1 TITLE I—CENTRAL IDAHO ECO- 2 NOMIC DEVELOPMENT AND 3 RECREATION PROMOTION

4 SEC. 101. LAND CONVEYANCE, CERTAIN SAWTOOTH NA- 5 TIONAL RECREATION AREA LAND TO CUSTER 6 COUNTY, IDAHO.

7 (a) CONVEYANCE REQUIRED.—The Secretary of Ag-
8 riculture, acting through the Chief of the Forest Service,
9 shall convey, without consideration, to Custer County,
10 Idaho, all right, title, and interest of the United States
11 in and to the parcels of Federal land in the Sawtooth Na-
12 tional Recreation Area identified for conveyance under
13 this section on the map entitled “Custer County Sawtooth
14 Conveyance” and dated November 1, 2004.

15 (b) USE OF CONVEYED LAND.—In making the con-
16 veyance under subsection (a) to the County, the Secretary
17 shall include deed restrictions relating to the use of the
18 conveyed land to ensure that such use is consistent with



1 the planning process of the County and management of
2 the Sawtooth National Recreation Area.

3 (c) SURVEY.—The exact acreage and legal descrip-
4 tion of the land to be conveyed under subsection (a) shall
5 be determined by a survey satisfactory to the Secretary.
6 The cost of the survey shall be borne by the Secretary.

7 (d) ADDITIONAL TERM AND CONDITIONS.—The Sec-
8 retary may require such additional terms and conditions
9 in connection with the conveyance under subsection (a) as
10 the Secretary considers appropriate to protect the inter-
11 ests of the United States.

12 **SEC. 102. LAND CONVEYANCE, CERTAIN CHALLIS NA-**
13 **TIONAL FOREST LAND TO CUSTER COUNTY,**
14 **IDAHO.**

15 (a) CONVEYANCE REQUIRED.—The Secretary of Ag-
16 riculture, acting through the Chief of the Forest Service,
17 shall convey, without consideration, to Custer County,
18 Idaho, all right, title, and interest of the United States
19 in and to the parcels of Federal land in the Challis Na-
20 tional Forest identified for conveyance under this section
21 on the map entitled “Custer County Challis Conveyance”
22 and dated November 1, 2004.

23 (b) TREATMENT OF ROADS AND TRAILS.—In making
24 the conveyance under subsection (a) to the County, the
25 Secretary shall include deed restrictions to ensure that any



1 roads and trails located on the conveyed land remain open
2 to public use notwithstanding any subsequent conveyance
3 of the land by the County.

4 (c) SURVEY.—The exact acreage and legal descrip-
5 tion of the land to be conveyed under subsection (a) shall
6 be determined by a survey satisfactory to the Secretary.
7 The cost of the survey shall be borne by the Secretary.

8 (d) ADDITIONAL TERM AND CONDITIONS.—The Sec-
9 retary may require such additional terms and conditions
10 in connection with the conveyance under subsection (a) as
11 the Secretary considers appropriate to protect the inter-
12 ests of the United States.

13 **SEC. 103. LAND CONVEYANCE, CERTAIN SAWTOOTH NA-**
14 **TIONAL FOREST AND BLM LAND TO BLAINE**
15 **COUNTY, IDAHO.**

16 (a) CONVEYANCE REQUIRED.—The Secretary of Ag-
17 riculture, acting through the Chief of the Forest Service,
18 and the Secretary of the Interior, acting through the Di-
19 rector of the Bureau of Land Management, shall convey,
20 without consideration, to Blaine County, Idaho, all right,
21 title, and interest of the United States in and to the par-
22 cels of Federal land in the Sawtooth National Forest and
23 Bureau of Land Management land identified for convey-
24 ance under this section on the map entitled “Blaine Coun-
25 ty Conveyance” and dated November 1, 2004.



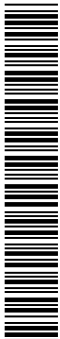
1 (b) TREATMENT OF ROADS AND TRAILS.—In making
2 the conveyance under subsection (a) to the County, the
3 Secretary shall include deed restrictions to ensure that any
4 roads and trails located on the conveyed land remain open
5 to public use notwithstanding any subsequent conveyance
6 of the land by the County.

7 (c) SURVEY.—The exact acreage and legal descrip-
8 tion of the land to be conveyed under subsection (a) shall
9 be determined by a survey satisfactory to the Secretary.
10 The cost of the survey shall be borne by the Secretary.

11 (d) ADDITIONAL TERM AND CONDITIONS.—The Sec-
12 retary may require such additional terms and conditions
13 in connection with the conveyance under subsection (a) as
14 the Secretary considers appropriate to protect the inter-
15 ests of the United States.

16 **SEC. 104. LAND CONVEYANCE, DESIGNATED NATIONAL**
17 **FOREST SYSTEMS LAND TO CITY OF STAN-**
18 **LEY, IDAHO.**

19 (a) CONVEYANCE REQUIRED.—The Secretary of Ag-
20 riculture, acting through the Chief of the Forest Service,
21 shall convey, without consideration, to the city of Stanley,
22 Idaho, all right, title, and interest of the United States
23 in and to the parcels of National Forest System land iden-
24 tified for conveyance under this section on the map enti-



1 tled “City of Stanley Conveyance” and dated November
2 1, 2004.

3 (b) SURVEY.—The exact acreage and legal descrip-
4 tion of the land to be conveyed under subsection (a) shall
5 be determined by a survey satisfactory to the Secretary.
6 The cost of the survey shall be borne by the Secretary.

7 (c) ADDITIONAL TERM AND CONDITIONS.—The Sec-
8 retary may require such additional terms and conditions
9 in connection with the conveyance under subsection (a) as
10 the Secretary considers appropriate to protect the inter-
11 ests of the United States.

12 **SEC. 105. LAND CONVEYANCE, DESIGNATED BLM LAND TO**
13 **CITY OF CLAYTON, IDAHO.**

14 (a) CONVEYANCE REQUIRED.—The Secretary of the
15 Interior, acting through the Director of the Bureau of
16 Land Management, shall convey, without consideration, to
17 the city of Clayton, Idaho, all right, title, and interest of
18 the United States in and to the Bureau of Land Manage-
19 ment land identified for conveyance under this section on
20 the map entitled “City of Clayton Conveyance” and dated
21 November 1, 2004.

22 (b) SURVEY.—The exact acreage and legal descrip-
23 tion of the land to be conveyed under subsection (a) shall
24 be determined by a survey satisfactory to the Secretary.
25 The cost of the survey shall be borne by the Secretary.



1 (c) ADDITIONAL TERM AND CONDITIONS.—The Sec-
2 retary may require such additional terms and conditions
3 in connection with the conveyance under subsection (a) as
4 the Secretary considers appropriate to protect the inter-
5 ests of the United States.

6 **SEC. 106. LAND CONVEYANCE, DESIGNATED BLM LAND TO**
7 **CITY OF MACKAY, IDAHO.**

8 (a) CONVEYANCE REQUIRED.—The Secretary of the
9 Interior, acting through the Director of the Bureau of
10 Land Management, shall convey, without consideration, to
11 the city of Mackay, Idaho, all right, title, and interest of
12 the United States in and to the Bureau of Land Manage-
13 ment land identified for conveyance under this section on
14 the map entitled “City of Mackay Conveyance” and dated
15 November 1, 2004.

16 (b) SURVEY.—The exact acreage and legal descrip-
17 tion of the land to be conveyed under subsection (a) shall
18 be determined by a survey satisfactory to the Secretary.
19 The cost of the survey shall be borne by the Secretary.

20 (c) ADDITIONAL TERM AND CONDITIONS.—The Sec-
21 retary may require such additional terms and conditions
22 in connection with the conveyance under subsection (a) as
23 the Secretary considers appropriate to protect the inter-
24 ests of the United States.



1 **SEC. 107. LAND CONVEYANCE, DESIGNATED BLM LAND TO**
2 **CITY OF CHALLIS, IDAHO.**

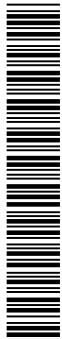
3 (a) CONVEYANCE REQUIRED.—The Secretary of the
4 Interior, acting through the Director of the Bureau of
5 Land Management, shall convey, without consideration, to
6 the city of Challis, Idaho, all right, title, and interest of
7 the United States in and to the Bureau of Land Manage-
8 ment land identified for conveyance under this section on
9 the map entitled “City of Challis Conveyance” and dated
10 November 1, 2004.

11 (b) SURVEY.—The exact acreage and legal descrip-
12 tion of the land to be conveyed under subsection (a) shall
13 be determined by a survey satisfactory to the Secretary.
14 The cost of the survey shall be borne by the Secretary.

15 (c) ADDITIONAL TERM AND CONDITIONS.—The Sec-
16 retary may require such additional terms and conditions
17 in connection with the conveyance under subsection (a) as
18 the Secretary considers appropriate to protect the inter-
19 ests of the United States.

20 **SEC. 108. LAND CONVEYANCE AUTHORITY, SUPPORT FOR**
21 **RECREATION AND TOURISM DEVELOPMENT,**
22 **NATIONAL FOREST SYSTEM LAND AND PUB-**
23 **LIC LAND IN CENTRAL IDAHO.**

24 (a) RECREATION AND TOURISM DEVELOPMENT.—
25 The Secretary of Agriculture, in the case of National For-
26 est System land, and the Secretary of the Interior, in the



1 case of public land administered through the Bureau of
2 Land Management, may convey, without consideration, to
3 Custer County or the State of Idaho all right, title, and
4 interest of the United States in and to small parcels of
5 National Forest System land or public land, not to exceed
6 100 acres per parcel, to permit the County and State to
7 use the land to create or expand public campgrounds, de-
8 velop tourism and recreational opportunities, and secure
9 access to trails in or in the vicinity of the Boulder-White
10 Cloud Management Area established by title II. Federal
11 land adjacent to or near Mackay Reservoir may be selected
12 by the Secretary concerned for conveyance under this sub-
13 section.

14 (b) **MOTORIZED RECREATION PARKS.**—The Sec-
15 retary of the Interior shall convey, without consideration,
16 to the State of Idaho all right, title, and interest of the
17 United States in and to four parcels of public land admin-
18 istered through the Bureau of Land Management, con-
19 sisting of approximately 300 acres per parcel, located near
20 Boise, Twin Falls, Idaho Falls, and Pocatello, Idaho, to
21 permit the State to use the land to create motorized recre-
22 ation parks.

23 (c) **SURVEY.**—The exact acreage and legal descrip-
24 tion of land to be conveyed under this section shall be de-
25 termined by a survey satisfactory to the Secretary con-



1 cerned. The cost of the survey shall be borne by the recipi-
2 ent of the land.

3 (d) ADDITIONAL TERM AND CONDITIONS.—The Sec-
4 retary concerned may require such additional terms and
5 conditions in connection with a conveyance under this sec-
6 tion as the Secretary considers appropriate to protect the
7 interests of the United States.

8 **SEC. 109. STANLEY-RED FISH LAKE BIKE AND SNOWMOBILE**
9 **TRAIL.**

10 (a) DEVELOPMENT OF TRAIL.—The Secretary of Ag-
11 riculture shall design, construct, and maintain a paved
12 trail along Highway 75 between the city of Stanley, Idaho,
13 and Red Fish Lake that is designated for use—

14 (1) by pedestrians and non-motorized vehicles
15 generally; and

16 (2) as a snowmobile route when there is ade-
17 quate snow cover.

18 (b) ACQUISITION FROM WILLING SELLERS.—Any
19 land or interests in land to be acquired by the Secretary
20 for construction of the paved trail required by subsection
21 (a) shall be acquired only by donation or by purchase from
22 willing sellers.

23 (c) OTHER TRAIL CONSTRUCTION AND MAINTENANCE ACTIVITIES.—There is authorized to be appro-
24 priated \$250,000 for the construction and maintenance of
25

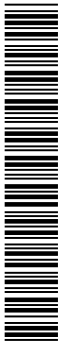


1 other trails for mechanized bikes in the State of Idaho.
2 Amounts appropriated pursuant to this authorization of
3 appropriations shall remain available until expended.

4 **SEC. 110. SUPPORT FOR OUTFITTER AND GUIDE ACTIVI-**
5 **TIES.**

6 (a) EXISTING OPERATING PERMITS.—Before the end
7 of the one-year period beginning on the date of the enact-
8 ment of this Act, the Secretary of Agriculture and the Sec-
9 retary of the Interior shall grant a 10-year extension of
10 each guide or outfitter operating permit that, as of the
11 date of the enactment of this Act, authorized activities on
12 lands included in the Boulder-White Cloud Management
13 Area established by title II or a wilderness area designated
14 by subtitle III. The Secretary concerned may refuse to
15 grant the extension of a permit only if the Secretary deter-
16 mines that the permittee has not operated in a satisfactory
17 manner in compliance with the terms and conditions of
18 the permit. The Secretary concerned may require the
19 modification of the extended permit as necessary to com-
20 ply with the requirements of this Act.

21 (b) FUTURE OUTFITTER AND GUIDE ACTIVITIES.—
22 Future extensions of outfitter and guide activities and per-
23 mits for outfitters on lands included in the Boulder-White
24 Cloud Management Area established by title II or a wil-
25 derness area designated by subtitle III shall be adminis-



1 tered in accordance with this Act and other applicable land
2 or resource management plans. No person shall conduct
3 outfitter and guide activities on such Federal land except
4 as authorized by the Secretary concerned.

5 **SEC. 111. RED TREES PHASE II STUDY REGARDING FOREST**
6 **HEALTH AND PUBLIC SAFETY.**

7 (a) STUDY REQUIRED.—Not later than June 1,
8 2005, the Secretary of Agriculture shall complete and sub-
9 mit to Congress a Red Trees Phase II study evaluating,
10 in accordance with Federal laws and regulations, nec-
11 essary landscape approaches to risk assessment to identify
12 forest health projects that, if implemented, will effectively
13 mitigate major fire risks on lands included in the Saw-
14 tooth National Recreation Area. The Secretary shall in-
15 clude, as part of the submission to Congress, such rec-
16 ommendations as the Secretary considers appropriate for
17 the timely implementation of the projects, the local utiliza-
18 tion of forest products derived from the projects, and con-
19 servation measures to protect soil, water, wildlife, recre-
20 ation, and scenic values.

21 (b) TREATMENT OF PROCEEDS.—Notwithstanding
22 any other provision of law, proceeds derived from any for-
23 est health project recommended as part of the study re-
24 quired by subsection (a), in excess of the costs incurred
25 to administer the project, shall be available to the Sec-



1 retary, without appropriation and until expended, to carry
2 out conservation projects in the Boulder-White Clouds
3 Management Area established by title II.

4 **SEC. 112. GRANTS TO SUPPORT SUSTAINABLE ECONOMIC**
5 **DEVELOPMENT AND RECREATION.**

6 (a) GRANT TO CUSTER COUNTY, IDAHO.—There is
7 appropriated to the Secretary of Agriculture, out of any
8 funds in the Treasury not otherwise appropriated,
9 \$5,000,000, which shall be used by the Secretary to make
10 a grant to Custer County, Idaho, in the full amount so
11 appropriated. The grant recipient shall use the grant
12 funds to support sustainable economic development in
13 Custer County.

14 (b) GRANT TO STATE OF IDAHO.—There is appro-
15 priated to the Secretary of Agriculture, out of any funds
16 in the Treasury not otherwise appropriated, \$500,000,
17 which shall be used by the Secretary to make a grant to
18 the State of Idaho Parks and Recreation Department, in
19 the full amount so appropriated. The grant recipient shall
20 use the grant funds to purchase Bayhorse Campground
21 for use as a State park.

22 **SEC. 113. CONTINUATION OF PUBLIC ACCESS TO BOWERY**
23 **NATIONAL FOREST GUARD STATION.**

24 (a) CONSTRUCTION OF ROAD AND BRIDGE.—To en-
25 sure continued public access to the Bowery Guard Station,



1 the Secretary of Agriculture shall construct a new road
2 on National Forest System lands, to the east of the exist-
3 ing private property line on the east side of the Leisinger
4 property, and a new bridge over West Pass Creek as part
5 of such road.

6 (b) AUTHORIZATION OF APPROPRIATIONS.—There is
7 authorized to be appropriated to the Secretary such sums
8 as may be necessary to carry out this section. Amounts
9 appropriated pursuant to this authorization of appropria-
10 tions shall remain available until expended.

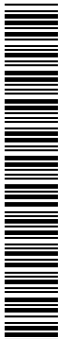
11 **SEC. 114. RESUMPTION OF PUBLIC ACCESS TO HERD LAKE**
12 **CAMPGROUND.**

13 The Secretary of the Interior shall allow motorized
14 access to the Herd Lake Campground and reopen the
15 campground for public use, including overnight camping,
16 under the administration of the Bureau of Land Manage-
17 ment.

18 **TITLE II—BOULDER-WHITE**
19 **CLOUD MANAGEMENT AREA**

20 **SEC. 201. ESTABLISHMENT OF MANAGEMENT AREA.**

21 (a) PURPOSE.—Certain Federal lands in central
22 Idaho offer outstanding opportunities for many forms of
23 recreation, including mountain biking, snowmobiling, and
24 the use of off-road motorized vehicles. The purpose of this
25 title is to statutorily provide for the continued manage-



1 ment of these lands for these recreational opportunities,
2 as well as for conservation and resource protection in ac-
3 cordance with the existing management authorities for
4 these lands, whether the lands are lands included in the
5 Challis National Forest, lands previously included in the
6 Sawtooth National Recreation Area established by Public
7 Law 92-400 (16 U.S.C. 460aa et seq.), or public lands
8 managed by the Bureau of Land Management.

9 (b) ESTABLISHMENT.—Certain Federal lands in the
10 Challis National Forest, the Sawtooth National Recreation
11 Area, and the Challis District of the Bureau of Land Man-
12 agement, which comprise approximately _____ acres
13 and are generally depicted on the map entitled “Boulder-
14 White Cloud Management Area proposal”, are hereby es-
15 tablished as the Boulder White Cloud Management Area
16 (in this title referred to as the “management area”) and
17 shall be managed as provided by this title.

18 (c) ADMINISTRATION.—Except as otherwise provided
19 in this title, the Secretary of Agriculture, in the case of
20 National Forest System lands included in the management
21 area, and the Secretary of the Interior, in the case of pub-
22 lic lands included in the management area, in this title
23 referred to as the “Secretary concerned”, shall administer
24 the management area in accordance with this title and the
25 laws and regulations generally applicable to the National

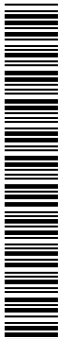


1 Forest System lands and the public lands included in the
2 management area. Lands included in the management
3 area that are also included in the Sawtooth National
4 Recreation Area shall also be administered in accordance
5 with Public Law 92–400 (16 U.S.C. 460aa et seq.).

6 (d) DEVELOPMENT.—No new roads may be con-
7 structed within the management area, except as necessary
8 for access to campgrounds and other recreation areas as
9 determined by the Secretary concerned. Roads may be
10 maintained and relocated as necessary. The Secretary con-
11 cerned shall permit the mining and removal of gravel,
12 sand, and rock along existing roads in the management
13 area as necessary for road maintenance in accordance with
14 the applicable management plan.

15 (e) TIMBER HARVESTING.—Timber harvesting shall
16 be allowed on lands in the management area only in ac-
17 cordance with the management plan applicable to the
18 lands and for necessary control of fire, insects, and dis-
19 eases and for public safety.

20 (f) TRAIL MAINTENANCE AND IMPROVEMENT.—
21 There is authorized to be appropriated to the Secretary
22 of Agriculture and the Secretary of the Interior \$500,000
23 for trail maintenance and other improvements related to
24 outfitting, guiding, hiking, and horseback use within the
25 management area. Amounts appropriated pursuant to this



1 authorization of appropriations shall remain available
2 until expended.

3 **SEC. 202. LAND ACQUISITION IN MANAGEMENT AREA.**

4 (a) LAND ACQUISITION.—The Secretary concerned
5 may acquire, by donation or purchase from willing sellers,
6 lands and interests in lands—

7 (1) located inside the boundaries of the man-
8 agement area; or

9 (2) located adjacent to the management area to
10 provide easements for additional public access to the
11 management area.

12 (b) NO USE OF CONDEMNATION.—No lands or inter-
13 ests in lands may be acquired by condemnation for inclu-
14 sion in the management area or to provide access to the
15 management area.

16 (c) AUTHORIZATION OF APPROPRIATIONS.—There is
17 authorized to be appropriated not more than \$5,000,000
18 to carry out this section. Amounts appropriated pursuant
19 to this authorization of appropriations shall remain avail-
20 able until expended.

21 **SEC. 203. MOTORIZED AND MECHANIZED TRAVEL.**

22 (a) MOTORIZED AND MECHANIZED TRAVEL AU-
23 THORIZED.—Motorized and mechanized travel shall con-
24 tinue in the management area, but only on designated
25 trails, routes, and areas in accordance with Forest Service



1 and Bureau of Land Management travel plans and maps
2 in existence as of September 1, 2003, which managed
3 recreation use for the specific areas, roads, and trails on
4 lands included in the management area. Not later than
5 one year after the date of the enactment of this Act, the
6 Secretary concerned shall identify such routes, trails, and
7 areas and shall prepare and make available to the public
8 a map showing such routes, trails, and areas.

9 (b) ESTABLISHMENT OR USE OF OTHER TRAILS AND
10 ROUTES.—Notwithstanding subsection (a), other trails
11 and routes may be used for motorized and mechanized
12 travel whenever the Secretary concerned considers such
13 use to be necessary for administrative purposes or to re-
14 spond to an emergency.

15 (c) ROUTE AND TRAIL CLOSURES.—The following
16 roads or trails shall be closed to motorized trail use, except
17 when there is adequate snowcover to permit snowmobile
18 use:

19 (1) Forest Service Trail 109 between the Phyl-
20 lis Lake turnoff to 4th of July Lake and the north
21 side of Washington Lake.

22 (2) Forest Service Trail 671 up Warm Springs
23 Creek from Trail 104 to the wilderness boundary.

24 (d) GROUNDS FOR TRAIL CLOSURES.—Resource
25 damage that can be mitigated and issues of user conflict



1 shall not be used as grounds for the closure of a trail or
2 route in the management area, although the Secretary
3 concerned may close any trail or route, or prohibit the use
4 of trail or route for motorized and mechanize travel, if
5 the Secretary determines that such closure or prohibition
6 is the only reasonable means available for resource protec-
7 tion or public safety.

8 (e) MITIGATION OF TRAIL CLOSURES.—If the Sec-
9 retary determines under subsection (d) that closing an
10 available trail or route in the management area is nec-
11 essary for resource protection or public safety, the Sec-
12 retary shall take any of the following mitigation actions,
13 intended to provide commensurate motorized recreation
14 opportunities elsewhere in the management area:

15 (1) Repair resource damage and secure condi-
16 tions so that closed trails may be reopened to motor-
17 ized use.

18 (2) Replace, relocate, or reroute a trail or trail
19 segment.

20 (3) Upgrade existing trails so as increase user
21 capacity.

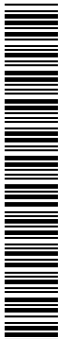
22 (4) A combination of the actions specified in
23 paragraphs (1), (2), and (3) and other actions to
24 achieve the overall mitigation objective.



1 (f) RELATION TO OTHER LAWS.—In considering
2 mitigation actions under subsection (e), the Secretary con-
3 cerned shall ensure that such action is consistent with the
4 overall objectives of the management area. If the lands
5 are also included in the Sawtooth National Recreation
6 Area, the Secretary concerned shall also administer the
7 action in accordance with Public Law 92–400 (16 U.S.C.
8 460aa et seq.), the travel plan in existence as of Sep-
9 tember 1, 2003, for the Sawtooth National Recreation
10 Area, and executive orders and other relevant laws and
11 regulations existing on or before that date.

12 **SEC. 204. SUPPORT AND USE OF IDAHO OFF ROAD MOTOR**
13 **VEHICLE PROGRAM.**

14 (a) GRANT TO PROGRAM.—There is authorized to be
15 appropriated to the Secretary of Agriculture not more
16 than \$1,000,000, which shall be used by the Secretary to
17 make a grant to the State of Idaho in the full amount
18 so appropriated for deposit with the Off Road Motor Vehi-
19 cle Program of the Idaho Department of State Parks and
20 Recreation, which is used to support the acquisition, pur-
21 chase, improvement, repair, maintenance, furnishing, and
22 equipping of off-road motor vehicle facilities and sites, to
23 groom snowmobile trails, and for enforcement activities
24 and the rehabilitation of land damaged by off-road vehicle
25 users. As a condition of the grant, the State must main-



tain the grant funds as a separate account of the Off Road Motor Vehicle Program and may not use the funds except as provided by this section.

(b) USE OF GRANT FUNDS.—When the Secretary concerned determines that additional funds are required to carry out the activities described in subsection (a) in the management area, the Secretary may apply for funds from the Off Road Motor Vehicle Program. Funds received under this subsection shall be used only in the management area.

(c) CONSULTATION AND RECOMMENDATIONS.—Before funds are provided under subsection (b), the Off Road Motor Vehicle Program shall consider any recommendations regarding the use of the funds made by the advisory committee established as part of the program as well as public comments.

(d) RELATION TO OTHER LAWS.—Any action undertaken using funds obtained under subsection (b) shall conform to the applicable travel plan of the Challis National Forest, the Sawtooth National Recreation Area, or the Challis District of the Bureau of Land Management.



1 **TITLE III—CENTRAL IDAHO**
2 **WILDERNESS AREAS**

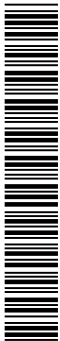
3 **SEC. 301. ADDITIONS TO NATIONAL WILDERNESS PRESER-**
4 **VATION SYSTEM.**

5 (a) ADDITIONS.—The following lands in the State of
6 Idaho are designated as wilderness and as components of
7 the National Wilderness Preservation System:

8 (1) ERNEST HEMINGWAY WILDERNESS.—Cer-
9 tain Federal land in the Sawtooth and Challis Na-
10 tional Forests, comprising approximately 72,500
11 acres, as generally depicted on the map entitled “Er-
12 nest Hemingway” and dated _____, which
13 shall be known as the “Ernest Hemingway Wilder-
14 ness”.

15 (2) WHITE CLOUDS WILDERNESS.—Certain
16 Federal land in the the Sawtooth and Challis Na-
17 tional Forests, comprising approximately 74,700
18 acres, as generally depicted on the map entitled
19 “White Clouds” and dated _____, which
20 shall be known as the “White Clouds Wilderness”.

21 (3) JERRY PEAK WILDERNESS.—Certain public
22 land administered by the Bureau of Land Manage-
23 ment, comprising approximately 146,900 acres, as
24 generally depicted on the map entitled “Jerry Peak



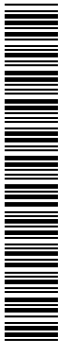
1 Wilderness” and dated _____, which shall
2 be known as the “Jerry Peak Wilderness”.

3 (b) MAPS AND LEGAL DESCRIPTION.—

4 (1) IN GENERAL.—As soon as practicable after
5 the date of enactment of this Act, the Secretary of
6 Agriculture, in the case of the wilderness areas des-
7 ignated by paragraphs (1) and (2) of subsection (a),
8 and the Secretary of the Interior, in the case of the
9 wilderness area designated by paragraph (3) of such
10 subsection, in this title referred to as the “Secretary
11 concerned”, shall file a map and legal description of
12 the wilderness areas designated by such subsection
13 with the Committee on Resources of the House of
14 Representatives and the Committee on Energy and
15 Natural Resources of the Senate.

16 (2) EFFECT.—Each map and legal description
17 shall have the same force and effect as if included
18 in this title, except that the Secretary concerned
19 may correct clerical and typographical errors in the
20 map or legal description.

21 (3) AVAILABILITY.—Each map and legal de-
22 scription shall be on file and available for public in-
23 spection in the appropriate offices of the Bureau of
24 Land Management or the Forest Service.



1 (c) WITHDRAWAL.—Subject to valid existing rights,
2 the wilderness areas designated in subsection (a) are with-
3 drawn from all forms of entry, appropriation, and disposal
4 under the public land laws, location, entry, and patent
5 under the mining laws, and operation of the mineral leas-
6 ing, mineral materials, and geothermal leasing laws.

7 **SEC. 302. GENERAL ADMINISTRATION OF WILDERNESS**
8 **AREAS.**

9 (a) APPLICATION OF WILDERNESS ACT.—Subject to
10 valid existing rights, the wilderness areas designated by
11 section 301 shall be managed by the Secretary concerned
12 in accordance with the Wilderness Act (16 U.S.C. 1131
13 et seq.) and this title. With respect to the wilderness areas,
14 any reference in the Wilderness Act to the effective date
15 of the Wilderness Act shall be deemed to be a reference
16 to the date of the enactment of this Act, and any reference
17 in the Wilderness Act to the Secretary of Agriculture shall
18 be deemed to be a reference to the Secretary concerned.

19 (b) CONSISTENT INTERPRETATION TO THE PUB-
20 LIC.—Although the wilderness areas designated by section
21 301 consist of National Forest System land under the ju-
22 risdiction of the Secretary of Agriculture and public land
23 under the jurisdiction of the Secretary of the Interior, the
24 Secretary of Agriculture and the Secretary of the Interior
25 shall collaborate to assure that the wilderness areas are



1 interpreted to the public as an overall complex tied to-
2 gether by common location in the Boulder-White Cloud
3 Mountains and common identity with the natural and cul-
4 tural history of the State of Idaho and its Native Amer-
5 ican and pioneer heritage.

6 (c) COMPREHENSIVE WILDERNESS MANAGEMENT
7 PLAN.—Not later than three years after the date of the
8 enactment of this Act, the Secretary of Agriculture and
9 Secretary of the Interior shall collaborate to develop a
10 comprehensive wilderness management plan for the wil-
11 derness areas designated by section 301. The completed
12 management plan shall be submitted to the Committee on
13 Resources of the House of Representatives and the Com-
14 mittee on Energy and Natural Resources of the Senate.

15 (d) FIRE, INSECTS, AND DISEASES.—Within the wil-
16 derness area designated by section 301, the Secretary con-
17 cerned may take such measures as the Secretary con-
18 cerned determines to be necessary for the control of fire,
19 insects, and diseases, subject to such conditions as the
20 Secretary concerned considers desirable, as provided in
21 section 4(d)(1) of the Wilderness Act (16 U.S.C.
22 1131(d)(1)).

23 (e) WILDERNESS TRAILS AND TRAILHEADS.—

24 (1) CONSTRUCTION OF NEW TRAILHEAD.—The
25 Secretary concerned shall construct a new trailhead



1 for nonmotorized users and improve access to the
2 Wickiup Trail (#684) and at the Big Boulder Trail-
3 head to separate motorized/mechanized users from
4 nonmotorized/mechanized users.

5 (2) INCLUSION OF ACCESSIBLE TRAILS.—The
6 Secretary concerned may establish wheelchair acces-
7 sible trails into the wilderness areas designated by
8 section 301, including the Bowery Creek Guard Sta-
9 tion along the West Fork of the East Fork of the
10 Salmon River.

11 (f) TREATMENT OF EXISTING CLAIMS AND PRIVATE
12 LANDS.—Nothing in this title is intended to affect the
13 rights or interests in real property, patented mining
14 claims, or valid claims or prevent reasonable access for
15 the development and use of valid mineral rights. The Sec-
16 retary concerned may enter into negotiations with the
17 holder of a patented claim or valid claim located in a wil-
18 derness area designated by section 301 for the voluntary
19 relinquishment of the claim.

20 (g) GRAZING.—Grazing of livestock in a wilderness
21 area designated by section 301, where established before
22 the date of the enactment of this Act, shall be adminis-
23 tered in accordance with the provisions of section 4(d)(4)
24 of the Wilderness Act (16 U.S.C. 1133(d)(4)), section 108
25 of Public Law 96–560, and section 101(f) of Public Law



1 101–628, and in accordance with the guidelines set forth
2 in Appendix A of House Report 96–617 of the 96th Con-
3 gress and House Report 101–405 of the 101st Congress.

4 (h) COMMERCIAL OUTFITTERS AND SADDLE AND
5 PACK STOCK.—Nothing in this title shall preclude horse-
6 back riding or the entry of recreational saddle or pack
7 stock into the wilderness areas designated by section 301,
8 including when such entry is made by commercial outfit-
9 ters.

10 **SEC. 303. INCORPORATION OF ACQUIRED LANDS AND IN-**
11 **TERESTS.**

12 Any land or interest in land located inside the bound-
13 aries of a wilderness area designated by section 301 that
14 is acquired by the United States after the date of the en-
15 actment of this Act shall be added to and administered
16 as part of the wilderness area.

17 **SEC. 304. ADJACENT MANAGEMENT.**

18 (a) NO PROTECTIVE PERIMETERS OR BUFFER
19 ZONES.—Congress does not intend for the designation of
20 the wilderness areas by section 301 to lead to the creation
21 of protective perimeters or buffer zones around any such
22 wilderness area.

23 (b) NONWILDERNESS ACTIVITIES.—The fact that
24 nonwilderness activities or uses outside of a wilderness
25 area designated by section 301 can be seen or heard from



1 inside of the wilderness area shall not preclude the conduct
2 of those activities or uses outside the boundaries of the
3 wilderness area.

4 **SEC. 305. WILDFIRE MANAGEMENT.**

5 Consistent with section 4 of the Wilderness Act (16
6 U.S.C. 1133), nothing in this title precludes a Federal,
7 State, or local agency from conducting wildfire manage-
8 ment operations, including operations using aircraft or
9 mechanized equipment, to manage wildfires in the wilder-
10 ness areas designated by section 301.

11 **SEC. 306. WATER RIGHTS.**

12 (a) FINDINGS.—Congress finds the following:

13 (1) The lands designated as wilderness areas by
14 section 301 are located at the headwaters of the
15 streams and rivers on those lands, with few, if any,
16 actual or proposed water resource facilities located
17 upstream from such lands and few, if any, opportu-
18 nities for diversion, storage, or other uses of water
19 occurring outside such lands that would adversely
20 affect the wilderness values of such lands.

21 (2) The lands designated as wilderness areas by
22 section 301 are not suitable for use for development
23 of new water resource facilities or for the expansion
24 of existing facilities.



1 (3) Therefore, it is possible to provide for prop-
2 er management and protection of the wilderness
3 value of the lands designated as wilderness areas by
4 section 301 in ways different from the ways utilized
5 in other laws designating wilderness areas.

6 (b) PURPOSE.—The purpose of this section is to pro-
7 tect the wilderness values of the lands designated as wil-
8 derness areas by section 301 by means other than a feder-
9 ally reserved water right.

10 (c) STATUTORY CONSTRUCTION.—Nothing in this
11 title—

12 (1) shall constitute, or be construed to con-
13 stitute, either an express or implied reservation by
14 the United States of any water or water rights with
15 respect to the wilderness areas designated by section
16 301;

17 (2) shall affect any water rights in the State of
18 Idaho existing on the date of the enactment of this
19 Act, including any water rights held by the United
20 States;

21 (3) shall be construed as establishing a prece-
22 dent with regard to any future wilderness designa-
23 tions;

24 (4) shall be construed as limiting, altering,
25 modifying, or amending any of the interstate com-



1 pacts or equitable apportionment decrees that appor-
2 tion water among and between the State of Idaho
3 and other States; and

4 (5) shall be construed as limiting, altering,
5 modifying, or amending provisions of Public Law
6 92–400, which established the Sawtooth National
7 Recreation Area (16 U.S.C. 460aa et seq.).

8 (d) IDAHO WATER LAW.—The Secretary concerned
9 shall follow the procedural and substantive requirements
10 of the law of the State of Idaho when seeking to establish
11 any water rights, not in existence on the date of the enact-
12 ment of this Act, with respect to the wilderness areas des-
13 ignated by section 301.

14 (e) NEW PROJECTS.—

15 (1) PROHIBITION.—Except as otherwise pro-
16 vided in this Act, on and after the date of the enact-
17 ment of this Act, neither the President nor any
18 other officer, employee, or agent of the United
19 States shall fund, assist, authorize, or issue a license
20 or permit for the development of any new water re-
21 source facility inside any of the wilderness areas des-
22 ignated by section 301.

23 (2) DEFINITION.—In this subsection, the term
24 “water resource facility” means irrigation and
25 pumping facilities, reservoirs, water conservation

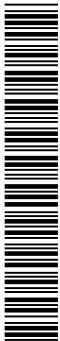


1 works, aqueducts, canals, ditches, pipelines, wells,
2 hydropower projects, and transmission and other an-
3 cillary facilities, and other water diversion, storage,
4 and carriage structures.

5 **SEC. 307. WILDLIFE MANAGEMENT.**

6 (a) STATE JURISDICTION.—In accordance with sec-
7 tion 4(d)(7) of the Wilderness Act (16 U.S.C. 1133(d)(7)),
8 nothing in this title affects or diminishes the jurisdiction
9 of the State of Idaho with respect to fish and wildlife man-
10 agement, including the regulation of hunting, fishing, and
11 trapping, in the wilderness areas designated by section
12 301.

13 (b) MANAGEMENT ACTIVITIES.—In furtherance of
14 the purposes and principles of the Wilderness Act, man-
15 agement activities to maintain or restore fish and wildlife
16 populations and the habitats to support such populations
17 may be carried out within wilderness areas designated by
18 section 301 where consistent with relevant wilderness
19 management plans, in accordance with appropriate poli-
20 cies such as those set forth in Appendix B of House Re-
21 port 101–405 of the 101st Congress, including the occa-
22 sional and temporary use of motorized vehicles, if such
23 use, as determined by the Secretary concerned is the min-
24 imum impact necessary to reasonably accomplish the task.



1 (c) USE OF AIRCRAFT.—Consistent with section
2 4(d)(1) of the Wilderness Act (16 U.S.C. 1133(d)) and
3 in accordance with appropriate policies such as those set
4 forth in Appendix B of House Report 101–405 of the
5 101st Congress, the State of Idaho may continue to use
6 aircraft, including helicopters, to survey, capture, trans-
7 plant, monitor, and manage bighorn sheep, mountain
8 goats, wolves, and grizzly bears.

9 (d) HUNTING, FISHING, AND TRAPPING.—Nothing in
10 this title shall affect hunting, fishing, and trapping, under
11 applicable State and Federal laws and regulations, in the
12 wilderness areas designated by section 301. The Secretary
13 concerned may designate, by regulation in consultation
14 with the appropriate State agency (except in emergencies),
15 areas in which, and establish periods during which, for
16 reasons of public safety, administration, or compliance
17 with applicable laws, no hunting, fishing, or trapping will
18 be permitted in the wilderness areas.

19 **SEC. 308. NATIVE AMERICAN CULTURAL AND RELIGIOUS**
20 **USES.**

21 Nothing in this title shall be construed to diminish
22 the rights of any Indian tribe. Nothing in this title shall
23 be construed to diminish tribal rights regarding access to
24 Federal lands for tribal activities, including spiritual, cul-
25 tural, and traditional food-gathering activities.



1 **SEC. 309. MILITARY OVERFLIGHTS.**

2 Nothing in this title restricts or precludes—

3 (1) low-level overflights of military aircraft over
4 the wilderness areas designated by section 301, in-
5 cluding military overflights that can be seen or
6 heard within the wilderness areas;

7 (2) flight testing and evaluation; or

8 (3) the designation or creation of new units of
9 special use airspace, or the establishment of military
10 flight training routes, over the wilderness areas.

11 **SEC. 310. WILDERNESS REVIEW.**

12 (a) NATIONAL FORESTS.—Section 5 of Public Law
13 92–400 (16 U.S.C. 460aa–4), which required a review of
14 the undeveloped and unimproved portion or portions of the
15 Sawtooth National Recreation Area established by that
16 Act as to suitability or nonsuitability for preservation as
17 part of the National Wilderness Preservation System, is
18 repealed.

19 (b) PUBLIC LANDS.—

20 (1) FINDING.—Congress finds that, for the pur-
21 pose of section 603 of the Federal Land Policy and
22 Management Act of 1976 (43 U.S.C. 1782), the
23 public land administered by the Bureau of Land
24 Management in the following areas have been ade-
25 quately studied for wilderness designation:



1 (A) The Jerry Peak Wilderness Study
2 Area.

3 (B) The Jerry Peak West Wilderness
4 Study Area.

5 (C) The Corral-Horse Basin Wilderness
6 Study Area.

7 (D) The Boulder Creek Wilderness Study
8 Area.

9 (2) RELEASE.—Any public land described in
10 paragraph (1) that is not designated as wilderness
11 by this title—

12 (A) is no longer subject to section 603(c)
13 of the Federal Land Policy and Management
14 Act of 1976 (43 U.S.C. 1782(c)); and

15 (B) shall be managed in accordance with
16 land management plans adopted under section
17 202 of that Act (43 U.S.C. 1712).

18 **TITLE IV—WAIVER OF GRAZING**
19 **PERMITS**

20 **SEC. 401. FINDINGS AND PURPOSE.**

21 (a) FINDINGS.—Congress finds the following:

22 (1) Grazing allotments on the lands designated
23 as wilderness by title III, and on nearby Federal
24 lands, have been reduced repeatedly by Forest Serv-



1 ice and other Federal agency decisions reflecting
2 changes in the management of such lands.

3 (2) Future management changes for these lands
4 directed to the watershed recovery for the purposes
5 of restoration of endangered fish populations may
6 result in additional grazing restrictions.

7 (3) Many of the ranching families who have
8 used these lands have found themselves unable to
9 survive economically or to recapture lost economic
10 opportunities as a consequence of the location of
11 their ranching operations.

12 (b) PURPOSE.—The purpose of this title is to protect
13 the environmental integrity of the lands designated as wil-
14 derness by title III and to offer economic options for tradi-
15 tional users of such lands who have been adversely im-
16 pacted by past changes, and will be adversely impacted
17 by future changes, in the management of such lands.

18 **SEC. 402. VOLUNTARY GRAZING PERMIT WAIVER PRO-**
19 **GRAM.**

20 (a) ELIGIBILITY FOR PARTICIPATION.—Only persons
21 that held, on September 30, 2004, a valid grazing permit
22 located in whole or in part in the Bolder-White Cloud
23 Management Area, a wilderness area designated by title
24 III, the Sawtooth National Recreation Area, or the water-
25 shed of the East Fork Salmon River shall be eligible to



1 participate in the voluntary grazing permit waiver pro-
2 gram under this title.

3 (b) NOTICE OF PARTICIPATION.—If a person de-
4 scribed in subsection (a) desires to participate in the vol-
5 untary grazing permit waiver program under this title, the
6 person shall notify the Federal agency from which the per-
7 son obtained the permit, in writing, not later than one
8 year after the date of the enactment of this Act, of the
9 voluntary decision of the person to participate in the pro-
10 gram in exchange for compensation under section 403.
11 Nothing in this subsection prevents a person described in
12 subsection (a) from waiving, at any time, a grazing permit
13 without compensation.

14 (c) WAIVER.—In the notification submitted under
15 subsection (b), the person shall agree to waive the valid
16 grazing permit authorizing livestock grazing on grazing al-
17 lotments located in whole or in part on lands described
18 in subsection (a). The waiver shall take effect on the date
19 the person receives the compensation provided under sec-
20 tion 403, the date the person makes the waiver by dona-
21 tion, or the date the person receives appropriate com-
22 pensation from a third party, whichever occurs first. Not-
23 withstanding any other provision of law, a person who
24 waives a permit under this section shall be deemed to have



1 waived any claim to all range developments on the subject
2 grazing allotment or allotments.

3 (d) CANCELLATION.—Not later than 30 days after
4 receiving a waiver notification under subsection (b), the
5 Federal agency shall cancel the permitted grazing on the
6 Federal land in the allotments covered by the notification.
7 Upon cancellation, grazing permits shall be prohibited in
8 the areas where permits were waived, and no future man-
9 agement allocations for grazing shall be permitted.

10 (e) TREATMENT OF VACANT ALLOTMENTS.—Any va-
11 cant, unallocated grazing allotments in existence on lands
12 described in subsection (a) shall not be made available to
13 any person after the date of the enactment of this Act.

14 **SEC. 403. COMPENSATION.**

15 (a) ELIGIBILITY AND AMOUNT OF COMPENSATION.—
16 The Federal agency may make a payment to permittees
17 described in subsection (a) of section 402 who waive graz-
18 ing permits as provided in subsection (b) of such section
19 according to a schedule of payments prepared jointly by
20 such agencies and filed with the Committee on Resources
21 of the House of Representatives and the Committee on
22 Energy and Natural Resources of the Senate. The total
23 amount available for such payments is \$7,000,000. If a
24 permittee is in arrears of Federal grazing fees, the amount
25 of fees in arrears shall be deducted from the amount of



1 compensation otherwise due the permittee under this sub-
2 section.

3 (b) EXCEPTIONS.—Compensation shall not be pro-
4 vided under this section if the permittee waives the permit
5 by donation. The amount of any compensation the per-
6 mittee receives from a third party for the waiver of the
7 permit shall be deducted from the amount of compensation
8 otherwise due the permittee under subsection (a).

9 **SEC. 404. RULES OF CONSTRUCTION.**

10 Nothing in this title shall be construed to affect the
11 authority of a Federal agency to otherwise modify or ter-
12 minate grazing permits or leases without compensation,
13 except that nothing in this title shall be construed to au-
14 thorize the use of eminent domain for such purpose. Noth-
15 ing in this title shall be construed to create a property
16 right in any grazing permit or lease on Federal lands or
17 to establish a precedent for future grazing permit buyout
18 programs.

